

ESTTA Tracking number: **ESTTA377340**

Filing date: **11/08/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	MichaelGross
Granted to Date of previous extension	11/10/2010
Address	180 West 58th Street New York, NY 10019 UNITED STATES
Correspondence information	Tama L. Drenski Attorney of Record, Ohio Bar Member Renner, Kenner, Greive, Bobak, Taylor & Weber 106 South Main Street First National Tower, Suite 400 Akron, OH 44308 UNITED STATES pto@rennerkenner.com Phone:330-376-1242

Applicant Information

Application No	77939323	Publication date	07/13/2010
Opposition Filing Date	11/08/2010	Opposition Period Ends	11/10/2010
Applicant	Gripebox.com LLC Unit 9A 206 East 95th Street New York, NY 10128 UNITED STATES		

Goods/Services Affected by Opposition

Class 035.

All goods and services in the class are opposed, namely: Providing an interactive web site for persons to register complaints against companies and/or services of all types

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	GRIPEBOX		
Goods/Services	Providing an internet web site		

Attachments	opposition.pdf (5 pages)(150377 bytes) Declaration of Michael Gross.pdf (2 pages)(569900 bytes) EXHIBIT A.pdf (1 page)(130309 bytes) EXHIBIT B.pdf (1 page)(131625 bytes) EXHIBIT C.pdf (1 page)(151904 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Tama L. Drenski/
Name	Tama L. Drenski
Date	11/08/2010

1. Applicant is attempting to register GRIPEBOX as a service mark in International Class 35 for providing an interactive web site for persons to register complaints against companies and/or services of all types, as evidenced by the publication of the mark in the July 13, 2010 issue of the *Official Gazette* of the U.S. Patent and Trademark Office.
2. Applicant filed the Application on February 18, 2010, on an Intent-to-Use basis.
3. Beginning before Applicant's filing date, Opposer has been using the identical service mark, "GRIPEBOX", which is relied upon herein. See attached Declaration of Michael Gross.
4. Beginning before Applicant's filing date, Opposer has been using the GRIPEBOX service mark relied upon herein for the same or related services recited in the Application, including providing criticism and commentary on society, events, individuals and organizations of all types, offered on an Internet web site that is heavily promoted online and off- for the purpose of encouraging interaction and response, and that is frequently cited, linked to, and otherwise referred to on web sites of all kinds. See attached Declaration of Michael Gross.
5. Opposer's GRIPEBOX web site has been cited by and/or linked to more than 1,200 other web sites including but not limited to Wikipedia, Yahoo, AOL, Twitter, Facebook, Foxnews, Stumbleupon, Reddit, The Huffington Post, The Daily Beast, Gawker, Curbed, Realestalker, POPurl, Pynter, MSN, nymag, Dealbreaker, Politico, Gothamist, Boston, Amazon and Bloomberg. See attached Declaration of Michael Gross.
6. As stated in the attached Declaration of Michael Gross, the following exhibits are accurate, archived copies of the web site located at www.mgross.com. The following exhibits are examples of documents that evidence Opposer's prior use of the GRIPEBOX service mark relied upon herein:

Exhibit A An excerpt from the web site located at www.mgross.com, as it appeared on November 21, 2006.

Exhibit B An excerpt from the web site located at www.mgross.com, as it appeared on July 19, 2007.

Exhibit C An excerpt from the web site located at www.mgross.com, as it appeared on June 30, 2008.

7. Opposer has continuously used its GRIPEBOX service mark in commerce in association with the identified services and others since before the filing date of the subject application, and has not abandoned its GRIPEBOX service mark.
8. Opposer's GRIPEBOX mark is inherently distinctive and thereby operates as a source identifier for Opposer's services.
9. Applicant's use of the mark GRIPEBOX will create a likelihood of confusion, and damage Opposer's rights in its GRIPEBOX mark as it is used in conjunction with its services.
10. The parties' marks are identical in appearance.
11. The parties' marks are identical in sound when spoken.
12. Applicant provides services that are related to Opposer's services.
13. Applicant's mark conveys an identical commercial impression, both visually and aurally, to that conveyed by Opposer's GRIPEBOX service mark as it is used by Opposer.
14. The services provided by the Applicant under the mark GRIPEBOX are likely to be provided in the same geographic territories and are likely to be advertised through the same channels of trade as Opposer's services, including the Internet.
15. The services intended to be provided by the Applicant under the mark GRIPEBOX are likely to be offered to the same class of consumers as Opposer's services.

16. The similarity of the parties' marks in appearance and sound, similarity in the parties' services, similar commercial impression conveyed by the parties' marks, similarity in the channels of trade through which the parties' services are offered, and similarity of the targeted consumers, will lead to a likelihood of confusion.

17. The grant of a federal registration for Applicant's mark GRIPEBOX will be inimical to Opposer's superior rights in the marks relied upon herein, established before the filing date of the Application, and the goodwill and reputation established therein, and therefore will damage Opposer.

A credit card authorization is enclosed for the amount of \$300, the Opposition fee as set forth in 37 C.F.R. §2.6(a)(17). Please charge any additional fees or credit any overpayment to Deposit Account No. 18-0987.

Respectfully submitted,

Date: November 8, 2010



By: Tama L. Drenski (Registration No. 50,323)
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Attorney for Opposer Michael Gross

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing NOTICE OF OPPOSITION was served upon APPLICANT GRIPEBOX.COM LLC, Unit 9A, 206 East 95th Street, New York, NY 10128, this 8th day of November 2010 by placing the same in the first class United States mail, postage prepaid.

Tama Drenski

Tama L. Drenski

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 77/939,323

For the Trademark GRIPEBOX

Published in the *Official Gazette* on July 13, 2010

Michael Gross)
)
Opposer)
)
v.)
)
Gripebox.com LLC)
)
Applicant)
)
)

DECLARATION OF MICHAEL GROSS

I HEREBY DECLARE THAT:

1. Beginning before February 18, 2010, I have been using the mark "GRIPEBOX", in connection with providing criticism and commentary on society, events, individuals and organizations of all types, on an Internet web site that is heavily promoted online and off for the purpose of encouraging interaction and response, and that is frequently cited, linked to, and otherwise referred to on web sites of all kinds.
3. My GRIPEBOX web site, located at www.mgross.com, has been cited by and/or linked to more than 1,200 other web sites including but not limited to Wikipedia, Yahoo, AOL, Twitter, Facebook, Foxnews, Stumbleupon, Reddit, The Huffington Post, The Daily Beast, Gawker, Curbed, Realestalker, POPurl, Poynter, MSN, nymag, Dealbreaker, Politico, Gothamist, Boston, Amazon and Bloomberg.
4. Exhibit A is an accurate, archived copy of my web site, located at www.mgross.com, as it appeared on November 21, 2006.

5. Exhibit B is an accurate, archived copy of my web site, located at www.mgross.com, as it appeared on July 19, 2007.
6. Exhibit C is an accurate, archived copy of my web site, located at www.mgross.com, as it appeared on June 30, 2008.
7. I have continuously used the GRIPEBOX mark as described above since before February 18, 2010, and have not abandoned the GRIPEBOX mark.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, declares that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

MICHAEL GROSS

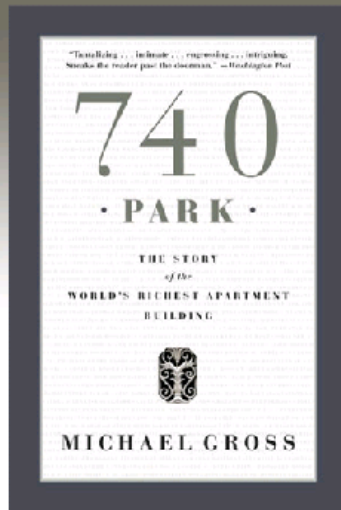
Signature: Michael Gross

Date: Nov. 5, 2010

MICHAEL GROSS

Michael Gross is one of America's most provocative non-fiction writers. A contributing editor of *Travel + Leisure* and columnist for *Contribute*, he's written for *Vanity Fair*, *Esquire*, *GQ*, *Town & Country*, the *New York Times* and *New York*, and authored ten [books](#), among them, the best-seller [Model: The Ugly Business of Beautiful Women](#) and the critically-acclaimed [740 Park](#).

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GRIPBOX

Giving 'til it hurts

Give it up for *Contribute*, a new magazine devoted to philanthropy which has given your correspondent a new column called Scene. It's about the social side of the giving game, and debuts in the December issue. My philanthropy? Previewing it here: It's called [Benefit Hell](#). It would be a hell of a world if we couldn't make philanthropy fun....or make a little fun of philanthropy.

Posted on November 21st, 2006 | [Permalink](#)

Village Under Siege Pt. 2

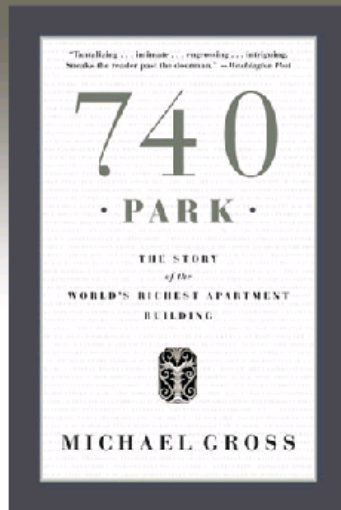
Finally caught up with my pal [Jay McInerney's obit for the Upper East Side](#) and he got it half-right. But I think the real story's not the death of the UES; it's the plague of roaches newly nesting Downtown.

Just before my wife and I sold [our place off Washington Square](#) and moved to a landmark [artistic enclave near Central Park](#) this summer, [a ticky-tacky cell-block-like condo on our corner](#) was selling out before the windows were in at prices that bozzled the mind. That played a big

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Michael Gross is one of America's most provocative non-fiction writers. A contributing editor of *Travel + Leisure* and columnist for *Contribute*, he's written for *Vanity Fair*, *Esquire*, *GQ*, *Town & Country*, the *New York Times* and *New York*, and authored ten [books](#), novels, biographies and social histories, among them, the critically-acclaimed best-sellers [Model: The Ugly Business of Beautiful Women](#) and [740 Park](#).

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GRIPBOX

The Old New Journalism

In today's New York Times, [George Vecsey](#) [writes](#) on the baseball great **Don Newcombe** and mentions a story about Newcombe by my father, the late **Milton Gross**, who was a sports columnist for the New York Post for about thirty years, calling it "one of the great sports columns of that or any other era." It led to me search for that 1956 column online—it was a bit before my time—and though I couldn't find it, I did find a chunk of it in an article I'd never seen before, "[Magazine Writing: The Curse of Tom Wolfe](#)," in an archive of the Columbia Journalism Review. Its author, **Michael Shapiro** wrote, "Milton Gross was doing the literary thing a full six years before the young and eager [Tom] Wolfe opened a copy of *Esquire* to find **Gay Talese** employing the very same device in his profile of the aging **Joe Louis** — a trick of the pen, as it were, so seemingly revolutionary that it left Wolfe panting: 'What inna namea christ is this . . .'"

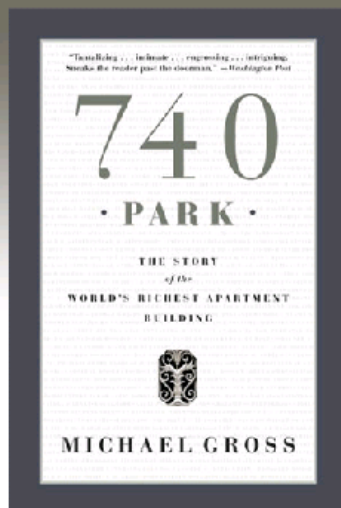
Not bad, dad.

Posted on July 19th, 2007 | [Permalink](#)

MICHAEL GROSS

Michael Gross is one of America's most provocative non-fiction writers. A contributing editor of *Travel + Leisure* and editor of *Bergdorf Goodman Magazine*, he's written for *Vanity Fair*, *Esquire*, *GQ*, *Town & Country*, the *New York Times* and *New York*, and authored ten [books](#), among them, the critically-acclaimed best-sellers [Model](#) and [740 Park](#). His next, [Rogues' Gallery: The Secret History of the Moguls and the Money That Made the Metropolitan Museum](#) will be published next year.

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GRIPBOX

Model Life (and death)



The death of fashion model Ruslana Korshunova set my phone ringing. [This](#) is what I had to say on the subject to The Telegraph in London. "People generalise about fashion models to their own peril. We can't draw conclusions about one from the last. The occupational hazards of modelling are well known - there are substance abuse, body issues and self-esteem issues. But we don't know why this girl jumped out of a window. It could be it had nothing to do with modelling." I also pointed out that when sad, poor, normal un-beautiful people kill themselves, they don't appear on tabloid covers or inspire public hand-wringing about their inner pain, impoverished souls (or bad eating habits). RIP Ruslana.